

MINUTES OF SPECIAL MEETING
SUGAR CITY COUNCIL
TUESDAY, NOVEMBER 1, 2005

Presiding: Tim Kershaw, Council President

Meeting convened at 5:30 p.m.

Prayer: Brent Barrus

Pledge of Allegiance

Present: Sharon L. Bell, Clerk; Council members Tim Kershaw, Brent Barrus, Walter Deitz, and Harold Harris; Sharee Palmer, Planning & Zoning Commission; and Jan Gallup. The Mayor was excused.

In the absence of the Mayor, Council President Tim Kershaw presided. He said there is an issue tonight that he and Jan Gallup felt very strongly we needed to have the whole council together. Tim turned the time over to Jan who explained the events that have ensued and what has brought this to a head. Jan said after the negotiation meeting we had with Rexburg and Madison County we had set a meeting with Todd Harris and Sandra Ball. Todd was quite upset about the proposal by Madison County and said that he was very interested in being annexed into Sugar City. From that point until yesterday, Jan said she has been working with the property owners providing them with information and allowing them to make a decision of where they wanted to be annexed – either Sugar or Rexburg. Yesterday morning Todd Harris submitted his application for annexation. Garry Jeppesen submitted his today, which makes the link. Ken Brown submitted his today, and Sandra Ball will be submitting hers tonight. Because of the sensitivity of this Sharee Palmer, Dick Dyer and Jan felt we should send a letter to the County Commissioners and to the Rexburg City Council as a courtesy to let them know what is happening. Copies of said proposed letter were distributed to the Council members. Jan said the meeting tonight is to decide if the letter that has been prepared is appropriate. She said she has the annexation documents and will submit them to Sharon on behalf of the property owners. Once Sharon receives them they become public records. She has to act on those papers and submit the applications to Planning & Zoning at their next regularly scheduled meeting on Thursday, November 3, 2005. It will become public at that meeting. Council President Kershaw said we should be up front and make it clear that the annexations were not solicited. We didn't initiate any of it. Sharee said the meeting Jan referred to after that joint meeting when the County presented their plan had already been planned before the County meeting had ever happened, so it wasn't like after that meeting we asked them to come and talk with us. Jan said Attorney Lee has looked at the letter and Dick Dyer helped with it. Dick read it to the Mayor this morning, so the Mayor is aware of it.

It was discussed that the Harris, Jeppesen and Brown properties are in Rexburg's impact area, but that the County has control of it. Jan said as soon as Todd Harris approached the City and this started to evolve, the first thing the Mayor had her do was go over and talk to our attorney about it. Legally, and there is precedence in the western part of the state, that if a property owner requests it then they can annex into a city even if they are in another city's impact area. She said

the three property owners, Sandra, Ken and Todd, are working together and they are very united and want to do this together. Once Planning & Zoning receives the applications, the next step is to draft an annexation agreement. We will sit down with Dick and the property owners and will decide what agreements need to be made between property owners and the City. The consent to annex is based on that annexation agreement. The property owners have the right to withdraw their annexation request if we cannot come up with a suitable annexation agreement.

MOTION: It was moved by Council member Barrus and seconded by Council member Deitz that we send the letter that has been written to the City of Rexburg and the County Commissioners informing them of Ken Brown, Sandra Ball and the Wanda Harris Family Trust to apply for annexation into the City of Sugar City; motion carried.

Meeting adjourned at 5:50 p.m.

Signed: Glenn W. Dalling
Glenn W. Dalling, Mayor

Attested: Sharon L. Bell
Sharon L. Bell, Clerk